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has frequently been held to be evidence of the acceptance of a dedication, *Washburn on Easements*, p. 197; *Angell on Highways*, §162.

DIVORCE — SEPARATION FROM BED AND BOARD — EVIDENCE. — *HARRISON v. HARRISON*, 40 So. 232 (I.A.). — In weighing the facts in a suit for separation from bed and board, *held*, that the court will be mindful that there may have been in the life of the parties a great deal which, owing to the mouth of the plaintiff being sealed, it may have been impossible to bring to the attention of the court.

The complainant in a divorce case is under the obligation to establish, by full, clear and adequate evidence, the charges made in his bill, and not merely to create inference, suspicion or doubt. *Hampton v. Hampton*, 87 Va. 148. Divorces ought never to be decreed without clear and satisfactory evidence of the wrong which the law treats as justifying cause for a divorce. *Edmond's Appeal*, 57 Pa. St. 232. And the complaining party must prove every element of the offense. *Bishop on Marriage and Divorce*, 6th Ed., Vol. II., §279. However it is not necessary to prove the allegations of the charge beyond a reasonable doubt, but it is sufficient if they be established by a preponderance of evidence. *Smith v. Smith*, 5 Or. 186. Yet the evidence must be "full and satisfactory" before the court can proceed to decree a divorce. *Moore v. Moore*, 22 Tex. 237. It is not sufficient for the court to have a moral conviction of the guilt of the party: it must be satisfied that such conviction is founded on legal evidence, applicable to legal charges. *Caton v. Caton*, 13 Jur. 431. So a party asking a court for a divorce must prove a full and complete case. Nothing is to be taken in favor of the applicant by presumption or intendment as to the facts. *Linden v. Linden*, 36 Barb. 61. The principal case is peculiar in that the court inferred that important testimony might have been tendered if it had not been excluded by a rule of evidence. And each inference was considered of weight.

EMINENT DOMAIN — PUBLIC USE — EFFECT OF LEGISLATIVE ACTION. — *TANNER v. TREASURY TUNNEL MINING AND REDUCTION CO.*, 83 PAC. 464 (COLO.). *Held*, that while the judgment of the legislature in conferring the power of eminent domain for certain purposes is not conclusive on the courts on the question of public use, it is entitled to great weight.

The determination of the legislature is not conclusive that a purpose for which it directs private property to be taken is a public use. *Talbot v. Hudson*, 82 Mass. 417; *Arnsperger v. Crawford*, 61 Atl. 413. Whether a particular use for land is public or not is a question for the judiciary. *Call v. Town of Wilkesboro*, 115 N. C. 337. There seems to be some conflict as to who shall judge of the necessity. Whether a public highway, which is for public use, is a necessity or not is a question for the legislature to determine. *Call v. Town of Wilkesboro*, *Supra*. The legislature is the final judge as to the necessity of taking private property for public use. *Glover v. Lime Point*, 18 Cal. 229; *Concord Rv. v. Greely*, 17 N. H. 47. The right of determining the necessity may be delegated and courts and juries may be called upon to determine as to its necessity. *Water Works Co. of Indianapolis v. Burkhart*, 61 Ind. 364. Question of necessity may be vested in courts by statute. *Wheeling & L. E. R. R. Co., v. Toledo Ry. & Term. Co.*, 74 N. E. 209. *Paul v. Detroit*, 32 Mich. 108, is *contra* and holds that the necessity for such use is the subject of judicial inquiry only.